

Appl. No. 10/780,846
Docket No. 9527L\$
Reply dated November 18, 2008
Reply to Office Action mailed on September 19, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over Bustin (GB 1301198) in view of Meyer, et al., (US 6,394,652)

Claim 1, 3, 12-16 and 18-19 has been rejected under 35 USC §103(a) as being unpatentable over Bustin (GB 1301198) in view of Meyer, et al., (US 6,394,652), or alternatively, in view of either of Buckman, et al., or Bohn, et al.. This rejection is traversed because the combination of references is not proper.

Though each of the references deals with the handling of films, the *Bustin* reference deals with the handling of a film tube. That portion of the *Bustin* reference which the Office seeks to combine with the teachings of *Meyer* to achieve a combination coextensive with the claimed invention, deals with a means for separating a tube of material. The disclosed means is dependent upon the dynamics associated with an enclosed tube of material. These dynamics are not present in an unenclosed curve of material. The argument is akin to providing that a conveying means dependent upon the capacity of a conveyed object to roll without slipping may be directly applied to object which lack this capacity. The means of *Bustin* is not inherently applicable to an overlapped sheet of material due to the differences in the dynamics between an enclosed tube and the generally open structure of an overlapped sheet. The *Buckman* and *Bohn* references do not address the element of separating interleaved portions of a sheet of c shaped cross section. There is no reasonable expectation of success in making the cited combination of references.

The cited combination of references does not teach or suggest all of the claim limitations of Claims 1, 3, 12, 14-16, and 18 and, therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically the combination does not teach a sheet of material having at least one overlapped portion. The teachings of the reference relate to a tube of material. The Office Action provides that the c-shaped cross sectioned material of the claimed invention would have been a known alternative. This is

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besides the point.. The material of *Bustin* is a blown tube of material. Applicant agrees with the Office Action that there must be a reasonable expectation of success when combining references. Combining *Meyer* and *Bustin* yields the activation of a tube of material which may subsequently be inflated in an easily controlled manner. The ease of the operation arises from the unique properties of a continuous tube of material. The Office Action posits that after the combination is made the teachings of *Bustin* may be modified to be coextensive with those of the claimed invention. The combination of references must teach or suggest each limitation of the invention as claimed. Or the limitation must be inherently present in the structures disclosed in the references. In this instance the combination of references must be modified in order to provide the teaching required. There is inadequate support for a *prima facie* case of obviousness under 35 USC §103. The rejection should be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin
(GB 1301198) and Cronauer (US 5,09,069)

Claims 2, 4, 10, and 20 are rejected under 35 USC §103. *Cronauer* is added to *Meyer* and *Bustin* as teaching the use of air to inflate a bag via an air knife. The bags of *Cronauer* are fully formed and are not a sheet overlapped upon itself. The dynamics of a less constrained system are predictable from the dynamics of a more constrained system.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin
(GB 1301198) Rowe, et al., LaFleur, et al., Yisha, et al., or the collective teachings of
Hiramoto, et al., Henaux, Adelmann, and Muller.

Claims 2, 4-9, 10-11, 17, and 19-20 are rejected under 35 USC §103. None of the additional references cures the underlying lack of adequacy of disclosure of the *Bustin* and *Meyer* references alone and in combination.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In

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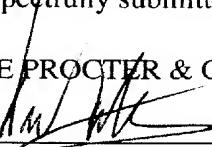
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view of the foregoing, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

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